

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
(Continuation or CIP Application)

As a below named inventor, I hereby declare that:  
My residence, post office address and citizenship are as stated below next to my name.  
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ANALYTE ASSAY USING PARTICULATE LABELS

\_\_\_\_\_ the specification of which

X is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:  
Prior Foreign Application(s):

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/016,383  
(Application Serial No.)

04/25/96  
(Filing Date)

Pending  
(Status)  
(patented, pending, abandoned)

08/844,217  
(Application Serial No.)

04/18/97  
(Filing Date)

Pending  
(Status)  
(patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: RICHARD J. WARBURG, ESQ., REGISTRATION NO. 32,327.

Kindly recognize as associate attorney:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; F.T. Alexandra Mahaney, Reg. No. 37,668; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. 38,077; Anthony C. Chen, Reg. No. 38,673; of LYON & LYON, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066

Address all telephone calls to RICHARD J. WARBURG, ESQ. at telephone no. (619) 552-8400.

Address all correspondence to Richard J. Warburg, Esq., Lyon & Lyon, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor Juan Yguerabide

Inventor's signature Juan Yguerabide Date: 10-17-97

Residence 9505 Poole Street, La Jolla, California 92037

Citizenship USA

Post Office Address 9505 Poole Street, La Jolla, California 92037

Full name of second inventor Evangelina E. Yguerabide

Inventor's signature Evangelina E. Yguerabide Date: 10-17-97

Residence 9505 Poole Street, La Jolla, California 92037

Citizenship USA

Post Office Address 9505 Poole Street, La Jolla, California 92037

Full name of third inventor David E. Kohne

Inventor's signature *David E Kohne* Date 10/17/97

Residence 364 Nautilus Street, La Jolla, California 92037

Citizenship USA

Post Office Address 364 Nautilus Street, La Jolla, California 92037

Full name of fourth inventor Jeffrey T. Jackson

Inventor's signature *Jeffrey T Jackson* Date 10/17/97

Residence 12738 Casa Avenida, Poway, California 92064

Citizenship USA

Post Office Address 12738 Casa Avenida, Poway, California 92064

10094729-084604

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yguerabide, et al.  
 Title: ANALYTE ASSAY USING  
 PARTICULATE LABELS  
 Appl. No.: 08/953,713  
 Filing Date: 10/17/1997  
 Examiner: G. Gabel  
 Art Unit: 1641

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<i>Karin E. Harden</i>	(Printed Name)
<i>Karin E. Harden</i>	(Signature)
<i>June 26, 2001</i>	(Date of Deposit)

**REVOCATION OF PRIOR POWERS OF ATTORNEY BY ASSIGNEE**  
**APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE**  
**CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
 Washington, D.C. 20231

Sir:

Genicon Sciences Corporation is the assignee of Application No. 08/953,713 filed October 17, 1997, and all continuing applications thereof, as evidenced by an Assignment recorded in the U.S. Patent and Trademark Office on October 20, 1998 at reel/frame 9536/0815.

Genicon Sciences Corporation, through its duly-delegated representative, hereby revokes all prior Powers of Attorney submitted in this application, and hereby appoints the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

WESLEY B. AMES	Reg. No. 40,893
ANDREW EDWARD GRANSTON	Reg. No. 38,473
BERNARD L. KLEINKE	Reg. No. 22,123
STEPHEN E. REITER	Reg. No. 31,192
STACY L. TAYLOR	Reg. No. 34,842
RICHARD J. WARBURG	Reg. No. 32,327
ARTHUR A. WELLMAN JR.	Reg. No. 47,174
MICHAEL A. WHITTAKER	Reg. No. 46,230
BARRY S. WILSON	Reg. No. 39,431

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney.

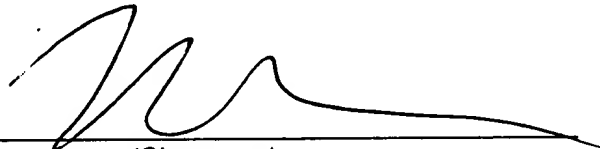
Please direct all future correspondence concerning this application to:

Wesley B. Ames  
FOLEY & LARDNER  
402 W. Broadway, 23<sup>rd</sup> Floor  
San Diego, California 92101  
Telephone: 619/234-6655  
Facsimile: 619/234-3510

Executed this 18 day of June, 2001.

Genicon Sciences Corporation

By:



(Signature)

Patrick J. Mallon

(Printed Name)

President & CEO

(Title)